



# **Rule Adoption Notification**

## **Surface Water Quality Standards, Chapter 173-201A WAC**

The Department of Ecology has completed the first major overhaul of Washington's water quality standards in a decade. These standards are intended to reflect the latest scientific information and new state and federal requirements – all aimed at making our waters clean and safe for people, fish and wildlife. During the recent public comment period, the Department of Ecology received 1400 comments – those comments helped Ecology develop the final version of the rule.

### **Requirements of the Rule**

The water quality standards (Chapter 173-201A WAC) establish numeric criteria and narrative directives designed to protect the quality of the state's surface waters. These standards establish regulatory requirements that are translated into specific restrictions in waste discharge permits, and are used as a basis for nonpoint source pollution control programs and Ecology enforcement actions.

The water quality standards consist of three main elements: 1) uses that are designated for protection in specific waterbodies in the state, 2) numeric and narrative criteria that assist in protecting the designated uses, and 3) an antidegradation program that provides additional protection for existing high quality waters. The regulation also contains provisions on how to use mixing zones, compliance schedules, use attainability analyses, and other assorted tools to achieve compliance with the standards.

### **Summary of the Key Changes Adopted on July 1, 2003**

On July 1, 2003, important changes were made to the surface water quality standards for the state of Washington (Chapter 173-201A WAC):

- The class-based system of organizing the standards was changed to a use-based system. This allows designated uses to be independently assigned to waterbodies for protection.
- The criteria for controlling human warming of water were changed. Criteria were added that specifically protect native char, redband trout, and native warm water species. The summer criteria to protect other salmon and trout species were increased slightly statewide, but a directive was added that would increase protection for spawning and incubation where and when it is determined necessary.
- Specific waterbodies throughout the state were assigned the use of char spawning and early tributary rearing and now have a lower summer maximum temperature.
- A new bacteria indicator (enterococci) replaced the use of fecal coliform in the state's Class B and C marine waters to protect secondary water contact.

- A procedure was added that defines how to provide schedules of compliance and associated improvement plans when authorizing the effects of dams.
- The ability to use tools to modify the standards was clarified (e.g., site-specific criteria, use attainability analyses, variances, and pollution off-setting).
- Freshwater ammonia criteria were changed. New non-salmonid criteria were established and the existing acute criteria for salmonid waters was increased.
- The existing water quality antidegradation policy was revised and substantial detail added to facilitate implementation.

The revised regulation, responses to public comments, and other supporting administrative and technical information are available on Ecology's website at [www.ecy.wa.gov/programs/wq/swqs](http://www.ecy.wa.gov/programs/wq/swqs) and on the enclosed CD. Paper copies can be obtained by contacting Andrew Kolosseus at (360) 407-7543.

### **These Rule Changes are Effective August 1, 2003**

- This amendment will be in effect on August 1, 2003 under state law. The changes are not effective for federal Clean Water Act programs until they have been approved by the United States Environmental Protection Agency (USEPA).
- The changes will be submitted for approval to the USEPA. To be approved, USEPA must find that the changes meet the federal Clean Water Act and that approval of the standards would not likely jeopardize threatened and endangered species.
- The National Marine Fisheries Service and the United States Fish and Wildlife Service must concur that the changes would not violate the federal Endangered Species Act.

### **Additional Resources and Technical Assistance**

**The following people can assist with your needs for technical assistance:**

Water Quality Standards: Mark Hicks (360) 407-6477, [mhic461@ecy.wa.gov](mailto:mhic461@ecy.wa.gov)

Office of Regulatory Assistance: (360) 407-7037, [assistance@ora.wa.gov](mailto:assistance@ora.wa.gov)

Forestry and Nonpoint Sources: Matthew Green (360) 407-6386, [mgre461@ecy.wa.gov](mailto:mgre461@ecy.wa.gov)

Northwest Regional Office (Redmond): (425) 649-7000

Southwest Regional Office (Olympia): (360) 407-6300

Central Regional Office (Yakima): (509) 575-2490

Eastern Regional Office (Spokane): (509) 456-2926

### **Appeal Procedures under RCW 34.05.330**

You may appeal a rule adoption, following the procedures for petition described in RCW 34.05.330.